

REMARKS/ARGUMENTS

Claims 1, 3, 5-12, 14, 16-17 and 22-26 are active.

The claims have been amended to focus on the elected subject matter, i.e. group 1, Claims 1-20 and 22-26 where X is S and A is pyrimidinyl.

Further, Claims 14-20 have been amended to focus on the treatment of diabetes and obesity based on the Examiner's indication that such methods are enabled. Withdrawal of the rejection under 112, first paragraph is requested.

No new matter is added.

The claims of the application are directed to azole compounds of a particular formula excluding specific structures that were known previously. In the Official Action, the Examiner has rejected the claims as being obvious in view of the very same compounds which are excluded from the claims. That is, while the Examiner does appreciate that those compounds are excluded, the perceived similarity is alleged to be homologues to each other with an expectation of the same or similar activity. However, as discussed in the specification the azole compounds have GSK-3 inhibitory activity. GSK-3 is implicated in a variety of diseases as discussed in the background section of the application. The cited 2002 catalogue, however, does not suggest the activity relating to GSK-3 inhibition as is described in the present application. Therefore, one would not have expected that the compounds described in the application and set forth in the claims would have such GSK-3 inhibitory activity. Indeed, that the azole compounds had this activity was not reasonably predictable from what is described in the cited 2002 catalogue, again because the citation is silent with respect to activity.

Further, Claim 5 also clearly distinguishes a set of compounds different from those currently excluded and listed in the previous catalogue entries. Nor would it have been reasonably predictable that such compounds would have GSK-3 activity from what is described in the 2002 catalogue.

To the rejection under 112, second paragraph:

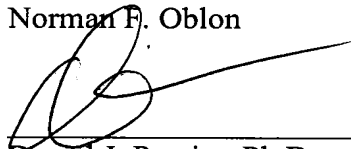
- “derivative” has been changed to compound.
- Sulfonyl and sulfinyl have been removed but sulfonamide has been retained as sulfonamide, contrary to the conclusion in the Action, is monovalent.
- The substituents in claims 23, 24, and 25 have been defined by referring to Claim 1.
- The at least one from claims 14 has been removed.

Withdrawal of the rejection is requested.

A Notice of Allowance is also requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



---

Daniel J. Pereira, Ph.D.  
Attorney of Record  
Registration No. 45,518

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)